

ORIGINAL

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

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Attorney for Defendant
RODNEY ASUEGA

AUG 17 2006

at 3 o'clock and 05 min. P.M.
SUE BEITIA, CLERK

UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

UNITED STATES OF AMERICA,

CR 02-00098 HG

Plaintiff,

v.

RODNEY ASUEGA,

DECLARATION OF COUNSEL IN
SUPPORT OF STIPULATION AND
[PROPOSED] ORDER MODIFYING
CONDITIONS OF RELEASE

Defendant.

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In support of the parties stipulated request for modification of defendant Rodney Asuega's pretrial release conditions, I, JAMES BUSTAMANTE, declare as follows:

I am an attorney licensed to practice in the State of California, and I am the attorney of record for defendant Rodney Asuega in this case.

The parties stipulate to a modification of Rodney Asuega's pretrial release conditions, eliminating electronic monitoring while he is an inpatient in the hospital, for the reasons set forth herein, as well as, based on the files and records in this case.

Rodney was diagnosed with Stage III colorectal cancer in late 2004. He has undergone multiple series of radiation and chemotherapy, as well as surgeries. Unfortunately the cancer has developed to Stage IV and Rodney's health has severely deteriorated.

The following information is based on my associate Alexandra Rahn's recent telephone conversation with surgeon, Gregory A. Chambers, M.D., as well as a review of California Hospital Medical Center records from August 2006.

On August 1, 2006, Rodney was taken to the emergency room at California Hospital Medical Center, located at 1401 South Grand Avenue, Los Angeles, California. After an evaluation, it was determined that Rodney was suffering from acute renal failure and perforated viscus. He was admitted to the ICU, where he received infections disease and surgery consultation. After discussions with his family, it was decided that he undergo emergency surgery on August 1 to repair small bowel perforation and to attempt to remove perforated viscus. Subsequent to the surgery, Rodney was placed on life support. Doctors prepared his family that he might not survive. The life support has since been removed and Rodney's condition has reportedly stabilized. As of today's date, Rodney remains an inpatient at California Hospital Medical Center and it is not known when he will be released. It is yet to be determined if further surgeries will be preformed, whether Rodney will be able to sustain further

chemotherapy, if he will be released from the hospital and whether hospice care will be needed.

Dr. Chambers advised that while in ICU or in the operating room, the track mate device, used by Los Angeles County Pretrial Services for electronic monitoring with GPS, could not be present. His courtesy supervision Pretrial Services Officer Rachel Schnayerson was advised and she in turn contacted Pretrial Services Officer Julie A. Wall in Hawaii. My associate Alexandra Rahn been in contact with both Pretrial Services Officers and Assistant U.S. Attorney Thomas Brady. All are in agreement that the electronic monitoring equipment should be removed while Rodney remains an inpatient in the hospital and that upon his release from the hospital the equipment can be replaced.

Pretrial Services Officers further advised that Rodney has been in full compliance with his conditions of release. Pretrial Services Officer Rachel Schnayerson advised that Rodney's fiancé, custodian and surety Faustine Filimona has been in daily contact with her since Rodney has been in the hospital, that she has now been instructed to call her on Mondays, Wednesdays and Fridays, and that Ms. Schnayerson intends on visiting Rodney at the hospital.

Based on the above, it is respectfully requested that the Order modifying Rodney's conditions of release be granted.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration is executed on

August 15, 2006, at San Francisco, California.

JAMES BUSTAMANTE